

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, the title and claim 22 have been amended. Claim 24 has been cancelled. Claims 22, 23, 25, 46 and 47 are pending and under consideration.

### **RESTRICTION REQUIREMENT**

Claims 1-21, 26-45 and 48-51 were withdrawn from further consideration. In the Office Action, it was held these claims are directed to one of Species VII or IX because the claims require tilt coils positioned in an upper portion and/or a lower portion of the focusing coil. The Applicants respectfully disagree with this holding and request that claims 1-47 be examined consistent with the election made on October 23, 2006. Figures 2, 9, 15, and 16 are all characterized by a magnetic circuit focusing, tracking, and tilt servos of the optical pickup actuator using a pair of unipolar magnetized magnets. As such, this would encompass claims 1-47.

It is respectfully submitted that the Election of Species requirement is improper on the grounds that the Examiner has not (1) provided reasons why the species are distinct, beyond citing the "Brief Description of the Drawings" section of the present application or, (2) explained why the species must be restricted on the basis of a separate status in the art, or a different field of search.

Further, it appears that the finality of the restriction requirement has not been imposed. Resolution of this matter is respectfully requested so the Applicants may take further action if needed.

### **OBJECTION TO THE TITLE**

The title was objected to as not descriptive. Appropriate correction to the title has been made. Withdrawal of the foregoing objection is requested.

### **CLAIM REJECTIONS**

Claims 22-25, 46 and 47 were rejected under 35 USC 102(b) as being anticipated by Ikegame et al. (US 5,208,703) (hereinafter "Ikegame").

Ikegame discusses an apparatus for supporting an optical system. In Ikegame, an objective lens 1 is held by a lens holder H which is then secured to a movable member 3 on which a focusing coil 2 is wound. Four flat-shaped tracking coils 4 are secured to the movable member 3 at its four corners. In a base 5 which is formed by pressing an aluminum plate, there is formed a depression 6 constituting an optical path, and a pair of yokes 10 folded substantially in a U-shaped form are secured on the base 5 such that these yokes are opposed to each other with respect to the depression 6. The yoke 10 includes three upright portions 7, 8 and 9. In the movable member 3 there are formed rectangular recesses 11 and the upright portions 8 of the yokes are inserted into these recesses, respectively. Within spaces substantially surrounded by the upright portions 7 and 8 there are arranged permanent magnets 12 which are secured to the upright portions 7. Further within spaces surrounded by the upright portions 7 and 9 there are also arranged permanent magnets 13 which are also secured to the upright portions 7. It should be noted that the magnetizing direction of the permanent magnets 12 and 13 are opposite to each other as shown by arrows. Ikegame, 5:10-5:32 and Figure 6.

### **Claims 22-25**

Amended claim 22 recites: "...wherein the magnetic circuit includes only a single pair of unipolar magnetized magnets." Support for this amendment may be found in at least original claim 24. In contrast to claim 22, the magnetic circuit of Ikegame includes permanent magnets 12 and 13 which are secured to the upright portions 7. As shown in Figure 8 of Ikegame, this provides a structure having six poles on each side of the yoke 10 rather than the two poles on each side provided by only having a single pair of unipolar magnets as recited in claim 22.

Claim 24 has been cancelled. Claims 23 and 25 depend on claim 22 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

### **Claims 46 and 47**

Claim 46 recites: "...a pair of unipolar magnetized magnets positioned on the base to face each other at one side of the objective lens..." In contrast to claim 46, the magnetic circuit of Ikegame includes permanent magnets 12 and 13 which are secured to the upright portions 7. As shown in Figure 8 of Ikegame, this provides a structure having six poles on each side of the yoke 10 rather than the two poles on each side provided by a pair of unipolar magnets as recited in claim 46.

Claim 47 depends on claim 46 and is therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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